

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
CATHERINE ALEXANDER,
Plaintiff,
vs. Case No. 3:18-cv-0966-MJR-MAB
TAKE-TWO INTERACTIVE SOFTWARE,
INC., 2K GAMES, INC., 2K SPORTS,
INC., WORLD WRESTLING ENTERTAINMENT,
INC., VISUAL CONCEPTS ENTERTAINMENT,
YUKE'S CO., LTD., and YUKE'S LA, INC.,
Defendants.

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Videotaped deposition of MARK LITTLE

Novato, California

Wednesday, August, 14, 2019

9:21 a.m.

Job No. : 257052

Pages: 1 - 180

Stenographically reported by:

Lorrie L. Marchant, CA CSR No. 10523

RMR, CRR, CCRR, CLR

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1 what was the role of Visual Concepts in developing 10:42:18
2 the WWE 2K16 game? 10:42:19

3 A. Sure. So for WWE 2K16, Visual Concepts was 10:42:25
4 essentially running as the creative team for the 10:42:32
5 game. We would also -- we were co-developing the 10:42:34
6 game with YUKE'S, so YUKE'S had been the historic 10:42:37
7 developer. They've been developing the game for 10:42:41
8 over 20 years. So they were the primary developers. 10:42:43
9 So they owned -- have the game engine, they have the 10:42:47
10 largest amount of the developers on the project. 10:42:49

11 But the Visual Concepts team would provide 10:42:52
12 ancillary support, creative direction. And then 10:42:57
13 what we did is we also brought some of the 10:42:59
14 technologies that we use on NBA and some of the 10:43:02
15 advanced technologies we know from building modern 10:43:05
16 games to help promote the WWE game and make it move 10:43:08
17 forward. 10:43:12

18 Q. Okay. But at the time that WWE 2K was 10:43:12
19 developed, YUKE'S had a game engine in place for the 10:43:16
20 WWE games; right? 10:43:18

21 A. Yes. 10:43:20

22 Q. Okay. Did Visual Concepts provide 10:43:20
23 technology that was later incorporated in the YUKE'S 10:43:22
24 game engine? 10:43:24

25 MS. CENDALI: Objection to form. 10:43:26

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1	as he shows in the game they're not involved with.	10:52:32
2	Their involvement would be mostly limited	10:52:35
3	to the publish -- publishing, marketing, promotion	10:52:38
4	of the game, however they might have been involved.	10:52:41
5	That would be the best of my knowledge.	10:52:44
6	Q. Okay. What was the role of 2K Sports	10:52:48
7	Incorporated in the depiction of Mr. Orton in the	10:52:49
8	WWE games?	10:52:52
9	A. As I just stated, they're not involved --	10:52:56
10	2K Sports is not involved in the development. So	10:52:59
11	how he appears in the game is more on the	10:53:02
12	development side. So that would be more of a Visual	10:53:03
13	Concepts-YUKE'S activity.	10:53:06
14	Q. I understand.	10:53:10
15	A. 2K Sports would be publishing and marketing	10:53:11
16	and anything that we did promotional materials of,	10:53:13
17	which I don't recall when we have used them.	10:53:15
18	Q. Understood.	10:53:18
19	So is it accurate to say that neither	10:53:19
20	2K Games nor 2K Sports had any role in the depiction	10:53:21
21	of Mr. Orton in the video games?	10:53:24
22	A. I mean, I would -- I would say that they	10:53:34
23	didn't have any direct role.	10:53:42
24	Q. Did they have an indirect role?	10:53:43
25	A. I was trying to think if they did have an	10:53:45

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1 So in the motion capture studio, we will -- 11:17:17
2 for instance, with Randy Orton's entrance, we will 11:17:20
3 have someone come in and perform the entrance in the 11:17:23
4 exact same way and style as Randy Orton so that we 11:17:26
5 can transfer it into the game. 11:17:28

6 BY MR. FRIEDMAN: 11:17:29

7 Q. I see. Thank you. 11:17:29

8 So -- so with Mr. Orton specifically, you 11:17:32
9 did not use motion capture to get things like his 11:17:34
10 gait or walk; correct? 11:17:37

11 A. We use -- I would not characterize it that 11:17:40
12 way. We use motion capture to capture how he moves. 11:17:42
13 We just don't have Randy Orton himself do it due to 11:17:46
14 accessibility. 11:17:49

15 Q. So there is an actor who is impersonating 11:17:51
16 Randy Orton, and that actor is motion captured by 11:17:54
17 Take-Two and later depicted as if he were 11:17:58
18 Randy Orton; is that accurate? 11:18:01

19 A. Yes, that would be more accurate. And just 11:18:03
20 to clarify, these are actual wrestlers too, so it's 11:18:05
21 not like Hollywood actors. They're wrestlers as 11:18:08
22 well. 11:18:12

23 Q. Sure. Well, and that makes sense because 11:18:12
24 you're going for realism; right? 11:18:14

25 A. "Authenticity" is generally the word I 11:18:16

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1 would use. 11:18:17

2 Q. Authenticity. Okay. 11:18:17

3 All right. So following the topology stage 11:18:19

4 of photogrammetry, what's the next step? 11:18:21

5 A. At a high level, it involves the extraction 11:18:28

6 of the skin detail from the photographs. So that -- 11:18:31

7 Q. I'm sorry to cut you off because I am 11:18:37

8 trying to understand this process. 11:18:40

9 A. M-hm. 11:18:44

10 Q. Okay. So let me get this straight. You 11:18:44

11 take all the photographs; right? From that single 11:18:46

12 set of a thousand photographs, approximately, you 11:18:49

13 extract topology data and create a mesh; right? 11:18:52

14 A. M-hm. 11:18:56

15 Q. Okay. Now, from that same set of 11:18:56

16 photographs, you're extracting something else, and I 11:18:58

17 think that's what you're starting to talking about; 11:19:00

18 is that right? 11:19:03

19 A. That is correct. 11:19:03

20 Q. Okay. Now, what is the step after 11:19:04

21 topology, then? 11:19:06

22 A. The -- this next step. In general terms, 11:19:08

23 there's actually quite a few technical steps that 11:19:10

24 I'm not an expert on. The next step is the 11:19:12

25 extraction of the detail on the skin for the 11:19:17

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1	In the photo reference process, you start	12:27:40
2	with a photograph, and then you go through a	12:27:42
3	modeling process; right? Correct?	12:27:44
4	A. Yes. That is generally the steps.	12:27:48
5	Q. In that modeling process, there is artistic	12:27:50
6	input; is that accurate?	12:27:55
7	MS. CENDALI: Objection to form.	12:27:57
8	Mischaracterizes his testimony.	12:27:58
9	THE WITNESS: The goal, just as we've said	12:28:00
10	before, is that we try and re-create these as	12:28:03
11	authentically as possible. So the process of doing	12:28:06
12	the modeling is the goal, and the objective is to	12:28:10
13	re-create it as authentically as we can.	12:28:13
14	So, in fact, it's not a wildly creative	12:28:16
15	process. It's more of a rote function of trying to	12:28:19
16	re-create what you see, to the best of our	12:28:22
17	abilities. And obviously there are limitations on	12:28:26
18	what we can do in games.	12:28:28
19	BY MR. FRIEDMAN:	12:28:29
20	Q. Okay. So -- okay. All right. That's	12:28:30
21	fine.	12:28:32
22	MR. FRIEDMAN: We can go off the record for	12:28:48
23	a moment.	12:28:48
24	THE VIDEOGRAPHER: Please stand by.	12:28:50
25	We are off the record. The time is 12:29.	12:28:51

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1 TV. 01:12:10

2 Q. Understood. 01:12:12

3 Okay. My question, though, is did 01:12:12

4 reproducing Mr. Orton's tattoos as they appear in 01:12:14

5 real life contribute to the authenticity of the WWE 01:12:18

6 video games? 01:12:22

7 A. I don't know that you could separate out 01:12:23

8 tattoos. It's Randy Orton as a person, his entire 01:12:25

9 appearance, his persona, and the person that he is 01:12:29

10 inside of the WWE. That's the important part. And 01:12:33

11 there's obviously many elements to that. 01:12:36

12 Q. Is one of those elements Randy Orton's 01:12:39

13 tattoos? 01:12:41

14 A. I think the way I would say it is it's his 01:12:44

15 physical appearance, whatever that may comprise. 01:12:47

16 Q. Okay. In your mind, does his physical 01:12:50

17 appearance comprise his tattoos? 01:12:52

18 A. Yes, you can see his tattoos. 01:12:54

19 Q. Okay. So then going back a couple of 01:12:55

20 questions, then, would you say that the reproduction 01:12:57

21 of Randy Orton's tattoos as they appear in real life 01:12:59

22 contributed to the realism of the WWE video games? 01:13:02

23 A. I mean, I think -- I think I said this many 01:13:06

24 times. I tend to use the word "authentic." 01:13:09

25 Q. And I said "realism." So I'll reask the 01:13:12

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1 question. And I said earlier I was going to start 01:13:15
2 using "authenticity," and I haven't. Okay. So 01:13:17
3 strike that previous question. 01:13:19

4 Did the -- does the reproduction by 01:13:22
5 Take-Two of Mr. Orton's tattoos, as they appear in 01:13:25
6 real life, contribute to the authenticity of the WWE 01:13:29
7 video games? 01:13:31

8 A. I think that his -- the appearance of 01:13:32
9 Randy Orton as Randy Orton is the important part, to 01:13:36
10 the best of our ability, in all aspects that are 01:13:40
11 Randy Orton. 01:13:42

12 Q. Is one of those aspects his tattoos? 01:13:42

13 A. I mean, Randy Orton has tattoos on his 01:13:51
14 body. 01:13:54

15 Q. Right. And you said that a bunch of 01:13:54
16 aspects contribute to the authenticity of 01:13:56
17 Randy Orton in the WWE games. Okay? So -- and now 01:13:58
18 you're saying that one of those aspects includes his 01:14:02
19 tattoos. 01:14:04

20 Am I following you so far? 01:14:05

21 A. I'm saying that our goal with him being 01:14:06
22 authentic is for him to look exactly like he does on 01:14:08
23 programming. So however he looks on programming, 01:14:10
24 that's what I'm trying to make him look like in the 01:14:13
25 game. 01:14:15

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1 or as authentic as they can, right. And so the 01:17:30
2 technique we use obviously captures everything 01:17:34
3 that's on their skin. 01:17:37

4 Q. Right. And one aspect of Mr. Orton's 01:17:38
5 authenticity in real life is his tattoo of his 01:17:41
6 current wife, Kim; right? 01:17:43

7 A. That is how he appears. 01:17:47

8 Q. Okay. And if I told you that Mr. Orton has 01:17:48
9 done interviews with media and discussed the 01:17:53
10 importance of his Kim tattoo, would you have any 01:17:57
11 reason to think that that didn't occur? 01:18:00

12 MS. CENDALI: Outside the scope. 01:18:04

13 But you may answer. 01:18:04

14 THE WITNESS: I wouldn't believe that you 01:18:06
15 would make that story up to me, but I have no actual 01:18:07
16 information on it. 01:18:09

17 BY MR. FRIEDMAN: 01:18:10

18 Q. So -- so then one aspect -- well, strike 01:18:11
19 that. 01:18:15

20 So now let's look at the other tattoos. 01:18:15

21 Right. And we'll get back to my original question, 01:18:17
22 and I'll just reask it again. Okay. 01:18:19

23 Was the reproduction of Mr. Orton's tattoos 01:18:22
24 as they appear in real life, did that contribute to 01:18:25
25 the authenticity of the WWE video games? 01:18:29

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1 A. I think that the fact that we reproduce
2 them as you see on TV is -- is the important part as
3 he is, to be authentic.

4 Q. Understood. And one aspect of that
5 authenticity is his real life tattoos.

6 Do you agree?

7 MS. CENDALI: Okay. Asked and answered.

15 So, you know, there are little details,
16 depending on the superstar or the wrestler from year
17 to year, that might not be 100 percent correct. And
18 the overall goal is that we get the majority of it
19 correct.

20 BY MR. FRIEDMAN:

21 Q. Okay.

22 A. If that makes sense.

23 Q. That does make a lot of sense.

24 But my question wasn't about whether his
25 reproduction of his tattoos would make or break the